



To the Honorable Council
City of Norfolk, Virginia


February 9, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception to add an additional drive-thru lane at 1205 N. Military Highway – Chick-fil-A**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-5**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – commercial drive-through
- IV. **Applicant:** Chick-fil-A
- V. **Description:**
 - The site is located on the west side of N. Military Highway, just north of Lowry Road.
 - Granting this request will allow for an expansion of a previously approved drive-through restaurant, Chick-fil-A, from one drive-through lane to a double drive-through lane.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

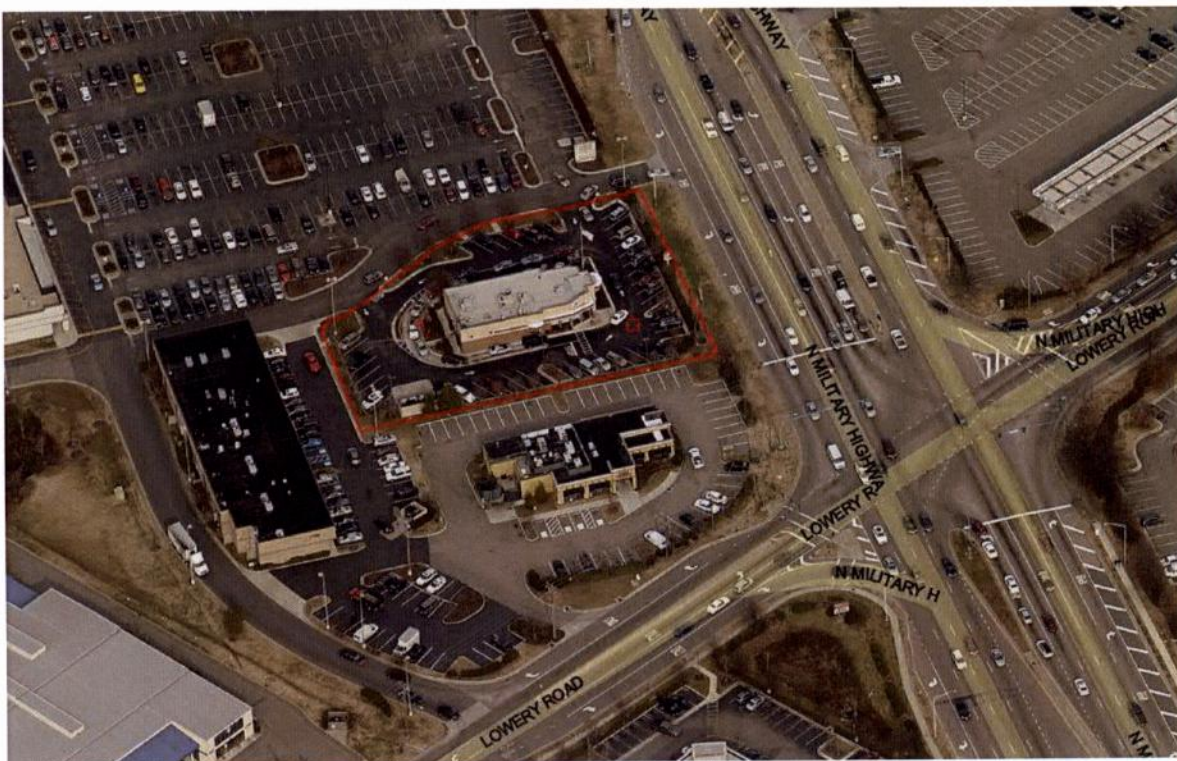
- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM *GH*

Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

Staff Report	Item No. 5	
Address	1205 N. Military Highway	
Applicant	Chick-fil-A	
Request	Special Exception	Amend a previously approved special exception to expand an existing commercial drive-through
Property Owner	American Diabetes Association Pth. Corp. (c/o S.L. Nusbaum Realty Corp.)	
Site Characteristics	Site/Building Area	40,760 sq. ft./4,197 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	JANAF
	Character District	Suburban
Surrounding Area	North	C-2: Broad Creek Shopping Center
	East	C-2: Farm Fresh grocery store and gas station
	South	C-2: Ruby Tuesday restaurant
	West	C-2: Broad Creek Shopping Center



A. Summary of Request

- The site is located on the west side of N. Military Highway, just north of Lowry Road.
- Granting this request will allow for an expansion of a previously approved drive-through restaurant, Chick-fil-A, from one drive-through lane to a double drive-through lane.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The use is permitted in the C-2 district by special exception.
- The site is located along a commercial corridor with no residential exposure.
- The conceptual plan submitted by the applicant demonstrates compliance with *Zoning Ordinance* standards for a commercial drive-through with two drive-through lanes.

	Proposed
Hours of Operation	6:30 a.m. until 10:00 p.m., Monday through Saturday

ii. Parking

Since no increase in indoor seating or square footage is being proposed for the establishment, no additional parking is required.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

No new trips are forecast related to the proposed addition of a second drive-through ordering lane at this existing restaurant.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

N/A

G. Impact on the Environment

- No environmental impacts are anticipated with the proposed additional drive-through lane.
- Over the past year there were no calls for police service.

H. Impact on Surrounding Area/Site

The site will be required to maintain compliance with the previously approved site plan.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

Notice was sent to the Lake Taylor Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

- (a) The site shall be generally designed in accordance with the conceptual site plan prepared by Bohler Engineering, undated, entitled, "Chick-fil-a Broad Creek Crossing," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the building permit plan review processes.
- (b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (d) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (e) The property shall be kept in a clean and sanitary condition at all times.

Attachments

Location Map
Zoning Map
Application
Site Plan
Notice to the Lake Taylor Civic League

Proponents and Opponents

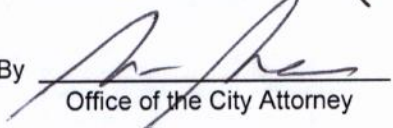
Proponents

Daniel Hines
Bohler Engineering
28 Blackwell Park Lane
Warrenton, VA 20186

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH FOR "CHICK-FIL-A" ON PROPERTY LOCATED AT 1205 NORTH MILITARY HIGHWAY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through for "Chick-Fil-A" on property located at 1205 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 187 feet, more or less, along the western line of North Military Highway beginning 138 feet, more or less, from the northern line of Lowery Road and extending northwardly; premises numbered 1205 North Military Highway.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site shall be improved generally in accordance with the conceptual site plan prepared by Bohler Engineering, dated November 4, 2015, entitled "Chick-Fil-A; Broad Creek Crossing; Special Exception Plan," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the building permit plan review processes.
- (b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as

amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

- (d) All bollards on the site shall be painted and maintained free of visible corrosion.
- (e) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (f) The property shall be kept in a clean and sanitary condition at all times.
- (g) The establishment shall maintain a current, active business license at all times while in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be

constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

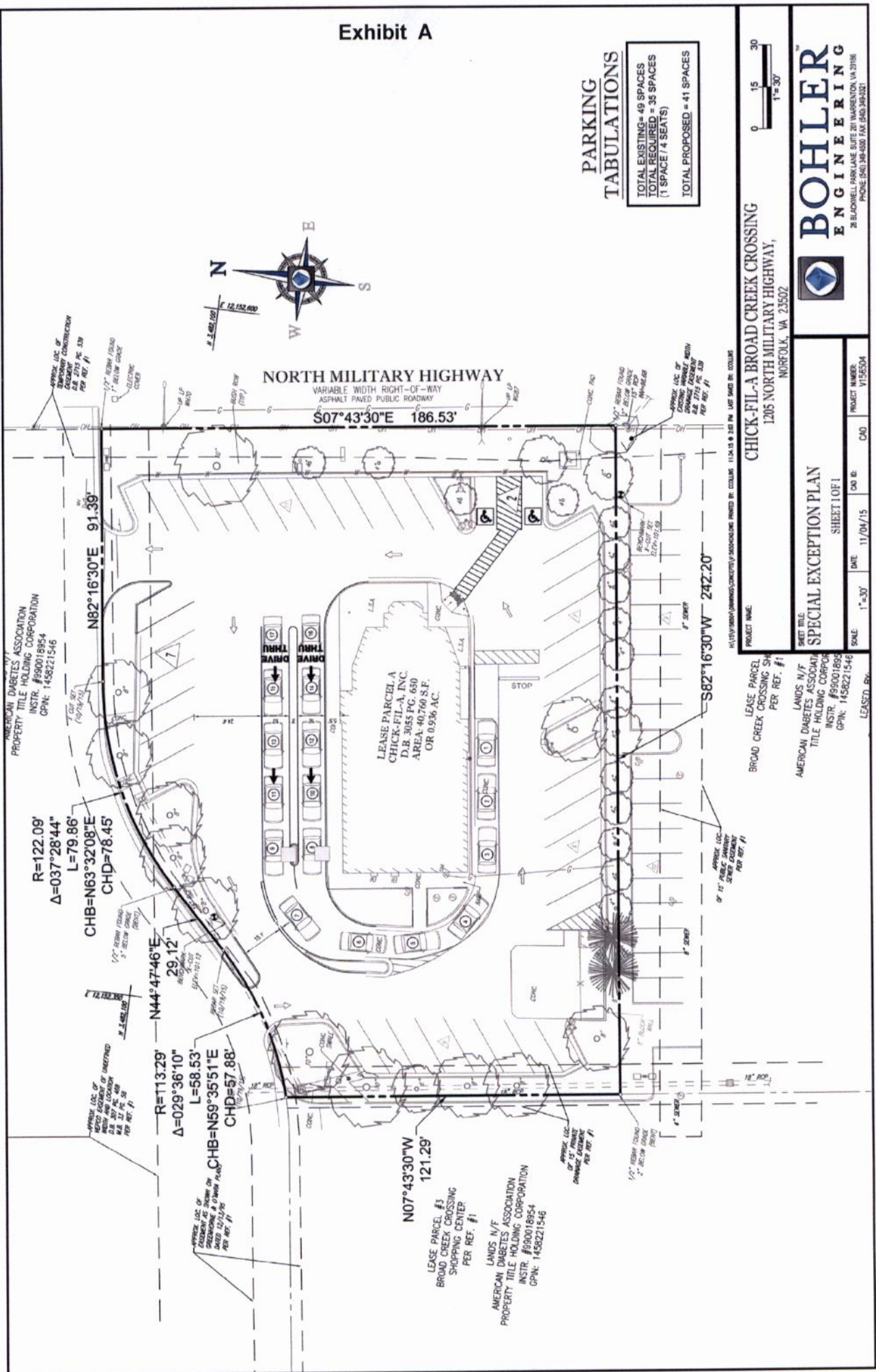
Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of a commercial drive-through on this property, adopted on April 28, 1998 (Ordinance No. 39,126). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (1 page)

Exhibit A



PARKING TABULATIONS

TOTAL EXISTING = 49 SPACES
TOTAL REQUIRED = 35 SPACES
(1 SPACE / 4 SEATS)
TOTAL PROPOSED = 41 SPACES



CHICK-FIL-A BROAD CREEK CROSSING
1205 NORTH MILITARY HIGHWAY,
NORFOLK, VA 23502

BOHLER
ENGINEERING
28 BLACKWELL PARK LAKE SUITE 207 WARRENTON, VA 27108
PHONE (919) 399-5000 FAX (919) 399-5001

SHEET TITLE:
SPECIAL EXCEPTION PLAN
SHEET 1 OF 1

AMERICAN DIABETES ASSOCIATION
PROPERTY TITLE HOLDING CORPORATION
INSTR. #990018954
CPN: 1458221546

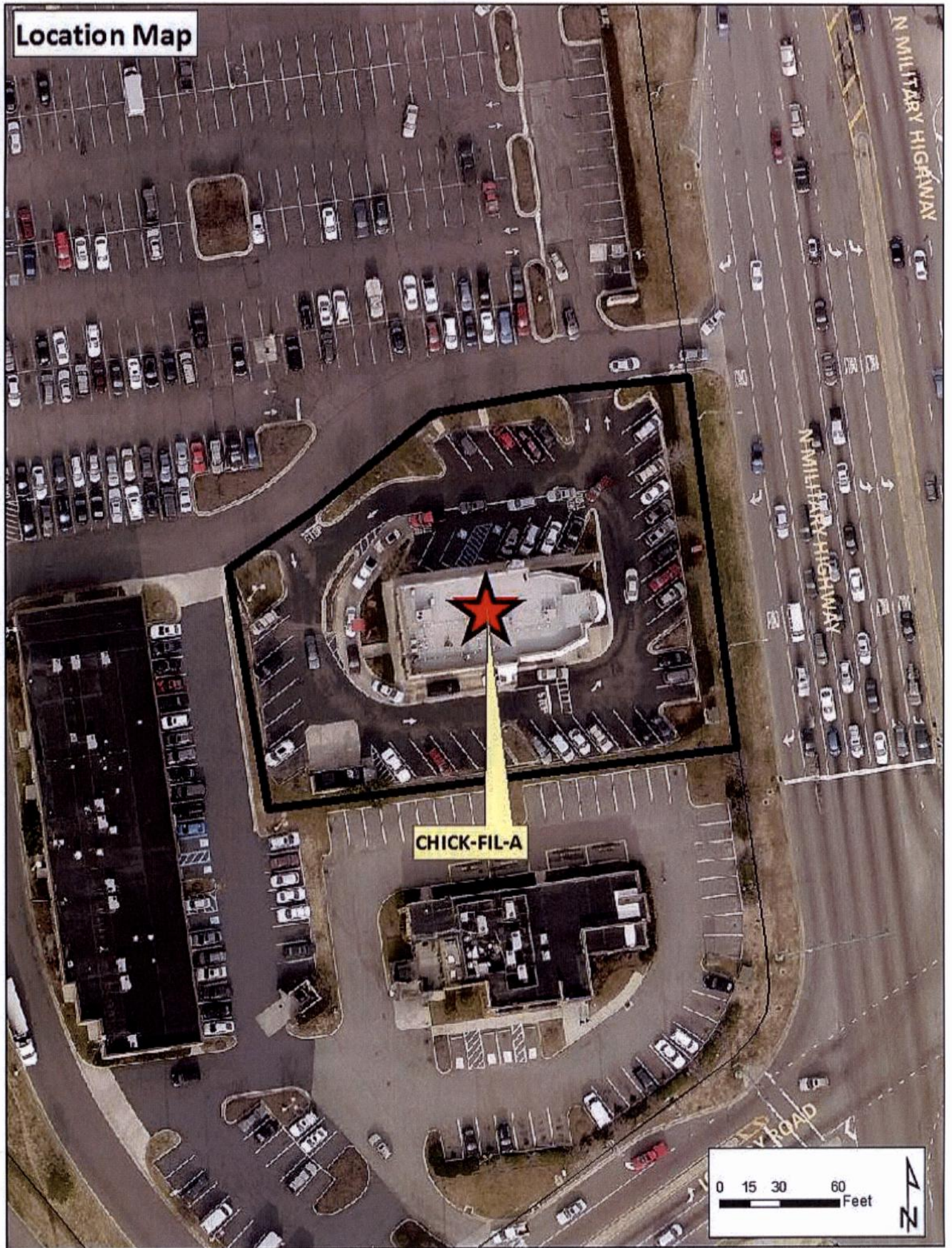
LEASE PARCEL #3
BROAD CREEK CROSSING
SHOPPING CENTER
PER REF. #1

LANDS N/F
AMERICAN DIABETES ASSOCIATION
PROPERTY TITLE HOLDING CORPORATION
INSTR. #990018954
CPN: 1458221546

LEASED BY:
DATE: 11/04/15
SCALE: 1\"/>

PROJECT NAME:
PROJECT NUMBER:
CAD
V156504

Location Map

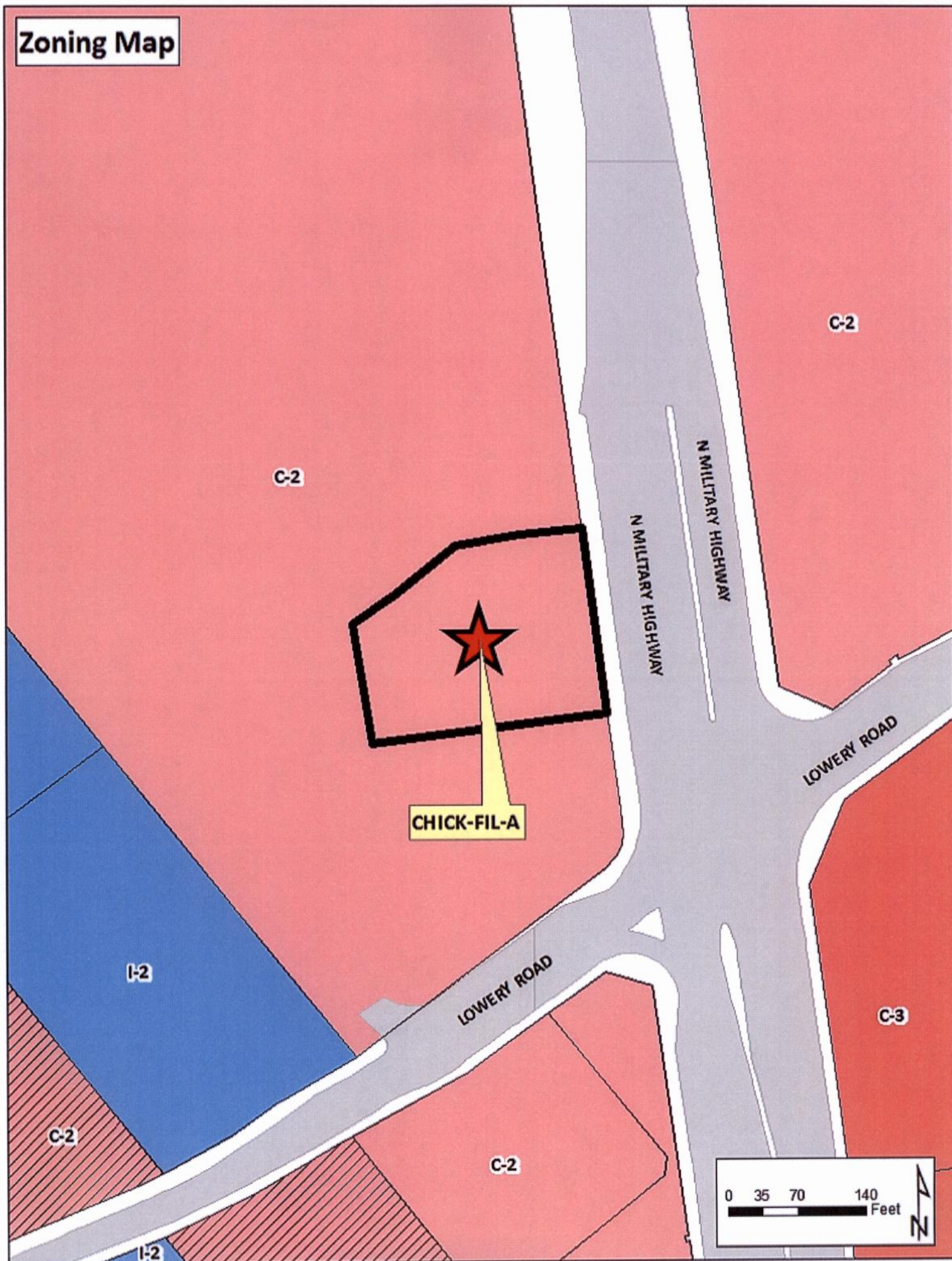


CHICK-FIL-A

0 15 30 60
Feet



Zoning Map





APPLICATION SPECIAL EXCEPTION

Special Exception for: 2nd order point/drive-thru lane for an existing Chick-fil-A restaurant

Date of application: 11/5/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1205 (Street Name) N. Military Highway

Existing Use of Property Chick-fil-A restaurant

Current Building Square Footage 4,197

Proposed Use

Chick-fil-A restaurant, no change in use is proposed.

Proposed Square Footage 4,197

Proposed Hours of Operation:

Weekday From 6:30 To 10:00

Friday From 6:30 To 10:00

Saturday From 6:30 To 10:00

Sunday From CLOSED To CLOSED

Trade Name of Business (If applicable)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**Application
Special Exception
Page 2**

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Foster (First) Evan (MI) J

Mailing address of applicant (Street/P.O. Box): 5200 Buffington Rd.

(City) Atlanta (State) GA (Zip Code) 30349

Daytime telephone number of applicant (770) 842-9758 Fax ()

E-mail address of applicant: evan.foster@cfacorp.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Hines (First) Daniel (MI) R

Mailing address of applicant (Street/P.O. Box): 28 Blackwell Park Lane Ste 201

(City) Warrenton (State) VA (Zip Code) 20186

Daytime telephone number of applicant (540) 349-4500 Fax (540) 349-0321

E-mail address of applicant: dhines@bohlereng.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) American Diabetes Assoc. (First) Attn: Rob Stanton (MI)

Mailing address of property owner (Street/P.O. box): c/o SL Nusbaum Realty Corp PO Box 2491

(City) Norfolk (State) VA (Zip Code) 23501

Daytime telephone number of owner (757) 640-5434 email: rstanton@slnusbaum.com

CIVIC LEAGUE INFORMATION

Civic League contact: Anthony Speight

Date(s) contacted:

Ward/Super Ward information: Lake Taylor

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: _____ Sign: _____ / _____ / _____
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Evan Foster Sign: Evan Foster / 11 / 23 / 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: DANIEL R. HINES Sign: [Signature] / 12 / 03 / 15
(Authorized Agent Signature) (Date)

CIVIC LEAGUE INFORMATION

Civic League contact: Anthony Speight

Date(s) contacted:

Ward/Super Ward information: Lake Taylor

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: _____ Sign: _____ / _____ / _____
(Property Owner or Authorized Agent of Signature) (Date)

BY: AMERICAN DIABETES ASSOCIATION, OWNER

BY: S.L. NUSBAUM REALTY CORP, MANAGING AGENT

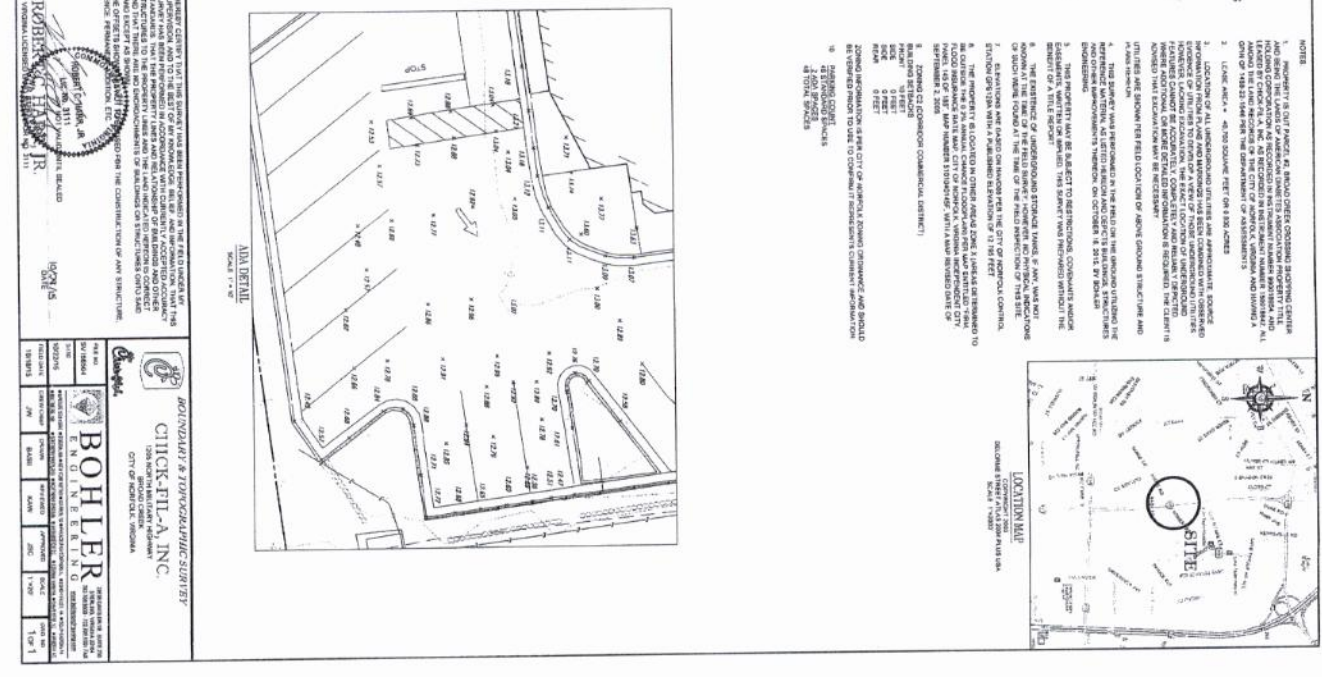
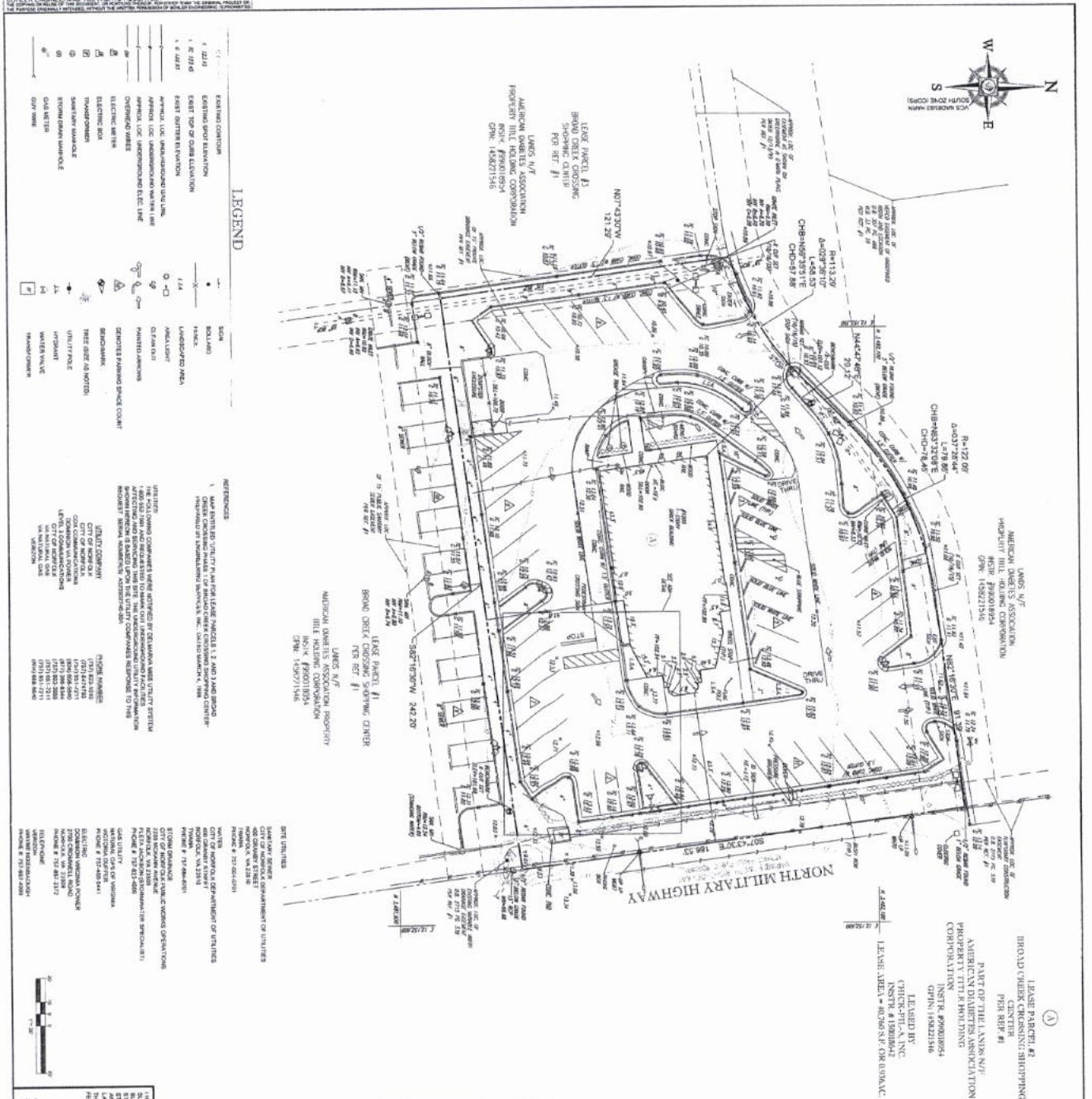
Print name: ROB STANTON Sign: [Signature] / 11 / 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rob Stanton Sign: [Signature] / 11/19/15
(Authorized Agent Signature) (Date)

Rob Stanton is the owner
representative for the
subject parcel.

Thank you,
Bohler Engineering





Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 11:16 AM
To: laketaylorcivicleague@gmail.com
Cc: Riddick, Paul; Williams, Angelia M.; Howard, Oneiceia; Simons, Matthew
Subject: new Planning Commission application - 1205 N Military Highway
Attachments: ChickfilA.pdf

Mr. Speight,

Attached please find the application for a special exception to operate a commercial drive-through at 1205 N. Military Highway.

The purpose of this request is to add a second drive-through lane to the existing restaurant.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569